

THE
TRIAL AT LARGE

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Aug 29

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OF
GEORGE BARRINGTON,

BEFORE

LORD CHIEF BARON EYRE,

AT THE

SESSIONS HOUSE IN THE OLD BAILEY,

On Friday the 17th instant, for robbing HENRY TOWNSEND,
Esq, at Enfield Races, for which he was found Guilty. With
the Pleadings of Counsel, the Judge's Charge to the Jury, and
the Prisoner's Two remarkable Speeches, verbatim.

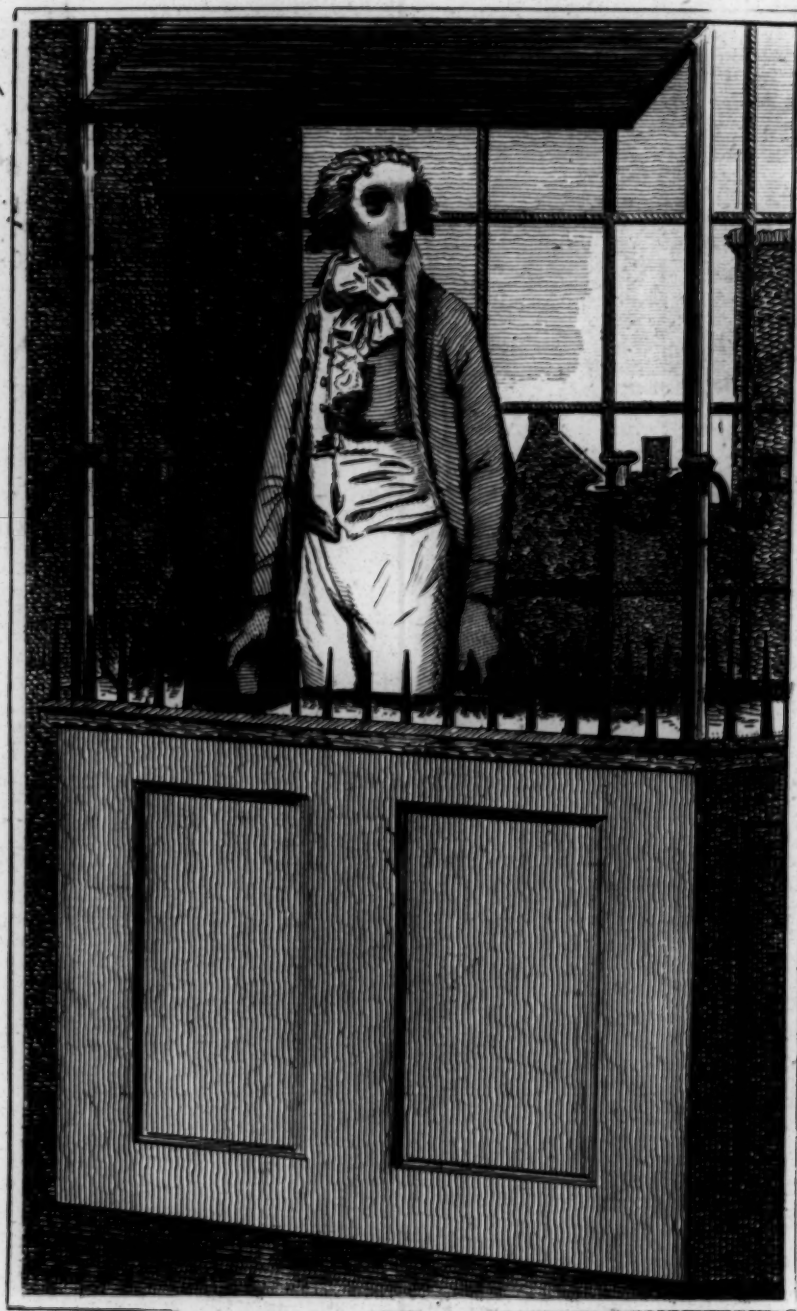
By E. HODGSON,

SHORT-HAND WRITER TO THE OLD BAILEY.

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[PRICE ONE SHILLING.]



GEORGE BARRINGTON.

THE
T R I A L
OF
GEORGE BARRINGTON.

ON Wednesday morning, September 15, 1790, at nine o'clock, GEORGE BARRINGTON was set to the Bar to be Arraigned, (with the other Prisoners) on an Indictment, charging him with stealing, on the 1st of September, 1790, in the Parish of Enfield, in the county of Middlesex, a gold watch, chains and seals, and a metal key, the property of Henry Hare Townsend, Esquire.

When Mr. Barrington was asked, as usual, by the Clerk of the Arraigns, whether he was guilty or not guilty of the felony with which he stood charged, he addressed Mr. Recorder (the only Judge on the bench) as follows :

“ MY LORD,

“ It is with great concern that I interrupt the business of the Court for a single moment, but I am under the necessity of stating to your Lordship, that when I

was taken into custody on suspicion of this felony, every article about my person was taken from me ; and although the gentleman who is my accuser, did not attempt to say any money was lost, my money was also taken from me ; and although I have made application that this money be restored, it is, however, still detained ; by which detention, my Lord, I have been hindered from taking those proper measures for my defence, and from obtaining that legal assistance, which my unfortunate situation peculiarly requires."

Mr. Recorder. Mr. Barrington, it is impossible for me to decide previous to your trial, what is your property ; but when your Prosecutor appears, every thing which has been taken from you, and which is not necessary to be identified on your trial, shall be restored to you-

Mr. Garrow. My Lord, Mr. Chetham, who is concerned for the prosecution, can inform your Lordship, that no money whatever was taken from Mr. Townsend.

Mr. Townsend. My Lord, I am the Prosecutor in this case. When the Prisoner was apprehended, the money was sealed up which was taken from him, together with a snuff-box, and a metal watch, which were also found on him. This was done under the idea, that these articles might belong to somebody or other, who might afterwards claim them.

George Law, the constable, produced the articles above mentioned, as also a silk purse, with twenty guineas, which were taken from Mr. Barrington, at the time he was taken into custody.

Mr. Recorder. Mr. Barrington, I shall order your money to be returned to you.

The twenty guineas were accordingly handed over to the Prisoner, who, after counting them, said, My Lord, I thank you.

Clerk of the Arraignment. George Barrington, are you guilty

guilty of the felony whereof you stand indicted, or not guilty?

Mr. Barrington. Not Guilty.

The Jury then were called over, and when the Clerk came to the sixth name, Henry Mist, Mr. Barrington said, My Lord, I take the liberty of objecting to Mr. Mist.

Mr. Recorder. Certainly.

The Prisoner was then removed from the Bar, and his trial fixed for Friday at twelve o'clock; at which time the Court being exceedingly crowded, Mr. Barrington made his appearance, and after bowing gracefully to the Court, and then to the Jury, the Clerk proceeded to call over their names, and when he came to the name of Henry Mist, Mr. Barrington said, My Lord, on Wednesday last, I took the liberty of objecting to Mr. Mist; I beg leave to continue in that objection.

Counsel for the Prisoner.

Mr. GARROW.

THE JURY SWORN,

John Gregory,	Alexander Gardner,
Edward Shee,	John Crookshank,
Adam Dunford,	John Debenham,
Charles Green,	Thomas Hamson,
John Lambert,	Thomas Clarke,
Matthew Emmerfon,	William Peartree.

Mr.

Mr. Barrington objecting to Henry Mist, one of the Jury, Matthew Emerson was sworn in his room.

Henry Hare Townsend, Esq. sworn.

On the 1st of September I was at Enfield Marsh, on account of the races ; I believe it was near 2 o'clock, that is the time that is fixed for the horses to start ; I was on foot ; I went on the ground in a phaeton ; I got out of the phaeton, and was walking about ; I did not miss my watch till I was spoke to by a Mr. Blades ; I missed it from my waistcoat pocket ; I had a new pair of leather breeches on, and was afraid the seals would dirt them ; it was a gold watch and chain, and metal key ; I felt my watch in my pocket after I came on the ground ; I think it must have been a quarter of an hour or twenty minutes before I missed it. I recovered my watch again, but I do not recollect who produced it to me ; the watch was given to Lady Lake, and she took it home with her ; and when we took Mr. Barrington before the Justice, I sent for the watch, and the watch was given to me by a servant—the constable has the watch. The clerk of the course, whose name is Furnish, came to me, and said somebody wanted to speak to me ; the gentleman came up at that moment, and said he wished to put me on my guard, that he had seen Mr. Barrington following me about a considerable time, and that he seemed to have some design, and asked me if I had taken notice of any person ? I immediately said, Has he a light coloured coat on ? he said, Yes. I then felt for my watch, and found it was gone. I recollected, after the first heat my horse had won, I was on the stand, and ran out of the stand as quick as I could, and went and laid hold of my horse by the
 bridle,

bridle, and was leading him to the weighing post, where the jockeys are weighed, a great many people pushed round me, but one person in particular came between my horse and me, which I thought rather particular, he had a light coloured coat ; I had an idea of his dress, and the figure of his person, but as the first push was not a very strong one, I did not notice it much ; the person that pushed me fell back upon my looking, that was the person in the light coloured coat ; then somebody that I took to be the same person, and whom I have sworn to be Mr. Barrington, came against my arm, as I was leading my horse, with a more violent push, which I thought an exceeding rude thing, and I lost my temper, and asked him with an oath, Where he was coming ? I was walking, and had hold of the horse's head close to his cheek, and the man came straight against my arm, rather behind than before me ; I looked round, and the person, whoever it was, fell back, and the colour of his coat, and his figure was what appeared to me to be Mr. Barrington ; the second time he pushed against me, I looked very hard at him, and he looked with his eyes as if he did not know what he was looking at : what made me take particular notice was, the blow being repeated on my arm. He was not taken then ; Mr. Blades said, I will look for him---if I see him I will let you know ; then one of the witnesses, Mr. Kempton, came up to me, and asked me if I had lost my watch ? I said, No, it was a false report, to keep the matter quiet. He asked me if I had lost my watch ? I said, in a low voice, I had ; then (says he) I can shew you the man ; he is gone to the starting post. I went up on foot ; the horses were all drawn up ready to start ; I happened to get near to Mr. Blades ; I did not know it till I heard his voice. Blades said, There is Barrington---collar him ; and I immediately said, That is the man
 that

that run against me : the horses were ready to start, and I was afraid of running across the course ; I waited till they were past, for fear of interrupting them ; Mr. Barrington's back was turned from me ; he was walking towards the weighing post ; I ran after him as fast as I could, and collared him with both my hands, and said, You rascal, you have robbed me ! Mr. Blades, who was standing by me, came up and laid hold of Mr. Barrington ; and Mr. Kempton seeing what we were about, he being a stouter man than Mr. Blades, supplied Mr. Blades's place, and we conducted Mr. Barrington, with one hand on his collar, and with the other hand I caught hold of his arm, because I suspected he might have the property about him, from his saying to a man, who, I suppose, by his appearance, was an acquaintance of his, he nodded his head, and calling him by his Christian name, said, Do you walk there Mr. Kempton and me had him then by the collar, and the man did walk as far I suppose as half a quarter of a mile, and then that man came up, and said, Sir, do not trouble yourself with that fellow--- let me take him. I said, I heard what Mr. Barrington said to you ; then we had some friends about us, and I said, Do not let that fellow walk there any longer ; and one man, whom I did not know, took and knocked this man on his back out of the way, and I never saw him afterwards : when we got near the booth, I met my coachman, who is a very stout strong man ; I let Barrington go, and I fancy the coachman suspected he had something in his hand, and laid close hold of his fist, and with the other hand by his collar, and in that way conducted him the rest of the way to the booth ! I was walking by ; I know no more of the business than I saw him safe in the booth, and as he was going over the booth, there was a little man with a stick struck him over the head once

or

or twice I was rather in a disagreeable situation, I did not like to see the man beat when both his hands were confined, and I desired him to desist and he did not, and I was obliged to tell him if he did not I would knock him down, and I thought I should have all parties against me.

Mr. Garrow, Prisoner's Council. You was dressed pretty much as you are now ?

A Pretty much, I had nearly the same cloaths on.

Q Does that include that your coat was in the state it is now, buttoned.

A Exactly.

Q The sensation that the man in the white coat occasioned to you at first was that of a man pushing rudely against the proprietor of a horse that had won ?

A Yes it was.

Q No other sensation had been occasioned in your mind till Mr. Blades spoke to you ?

A None whatever.

Q From the period of weighing your Jockey, till the time Barrington was secured by you, how much time had elapsed ?

A Very near half an hour:

Q I apprehend that the moment of the conclusion of the heat is a very anxious one ?

A Yes, Sir, it is:

Q And those who have bets on the preceding heat, or have bets to make, naturally wish to see the horse on coming in ?

A Certainly:

Q Those who have large bets, wish to see whether the Jockey has any make-weight ?

A I suppose they do.

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Q The first sensation you felt was, that it was a natural pressure?

A I did not think it was natural, I should not have run against a gentleman so.

Q I do not know whether you expect the manners of a drawing-room on a race ground?

A There are a kind of etiquettes that are observed.

Q There are decorums that are better observed certainly ; but an unpolished man and an ignorant one, might run against the proprietor of a horse. You did not know the person of Mr. Barrington before?

A No.

Q Your having lost your watch, was not a profound secret?

A Four or five asked me if I had:

Court. What might be the depth of that waist-coat pocket?

A About three inches; a welted pocket, the watch and chain were covered.

Buxton Kendrick sworn.

When the prisoner was first brought up to the booth in custody, I was very near him, I heard something rattle from behind him, I looked that way immediately and I saw the watch dropping, falling on the ground in about half a minute after he came into the booth; I immediately stooped to pick it up, it fell down on the ground directly by the prisoner: I was standing to the right of him with my face towards him, I was next to him, and the watch dropped almost between his legs; I could not see either of his hands, they were both behind, they were at liberty. I do not recollect who brought him into the booth; there was a great number of people

people laid hold of him, and somebody pulled him and pushed him. There were some ladies in the other booth on his left hand, there was a partition, breast high between the two booths, there was nobody between him and the partition nor nobody behind him but the boards and a carpet nailed over them, he was at the end of the booth almost in the corner; Mr. Townsend's coachman was next to me, we were the nearest to him, there was nobody else near for the watch to have fallen from them, the booth is opposite the ending post where they come in:

Court to Mr. Townsend. Had you been in that booth?

A Yes, that was the booth that I came out of.

Q Had you been in that corner?

A. No; I do not think I had, indeed I am pretty sure I had not been in that corner, because I kept as near as possible and stood up on a form all the time that my horse was running; there was a row of ladies close to the edge of the booth, and I stood up behind them.

Court to Mr. Kendrick. Was there any form behind the prisoner?

A. No; no form at all;—a circumstance I forgot, the prisoner attempted to kick the watch behind; almost at the instant I went to pick it up, he attempted just to push it back again with his heel. I gave the watch to Lady Lake, she is not here; I had never seen the watch before, I looked at it then, I saw the same watch at the Angel at Edmonton; I fancy Mr. Townsend had it, I put a mark on it.

Court to Mr. Townsend. Was the watch you saw in this gentleman's possession that day, the watch you lost?

A. It certainly was.

Mr. Garrow. Did you take such notice of he watch in the booth as to know it again ?

A. I took notice of it by the hands, there were three hands

Q. That in a race course is of great importance ?

A. Yes, and I observed a gold link chain, and a gold seal.

Q. The next booth was a common six-penny booth ?

A. Yes, and separated by a partition elbow high.

Q. Not breast high ?

A. No, not so high.

Q. How long had the rumour of Mr. Townsend's having lost his watch reached you before the prisoner was secured ?

A. It was I believe half an hour.

Q. And there was another rumour I believe nearly coeval with it, namely, that Barrington was on the course ?

A. Yes, there was ; but I did not hear it before I heard he had taken Mr. Townsend's watch. I saw Mr. Barrington searched at the Angel, he had twenty-two and a half guineas about him.

— *Walduck, sworn.*

I am coachman to Mr. Townsend, I knew nothing of the matter till I helped to take the prisoner to the booth ; I had one hand on his collar and the other hold of his right hand which was open. He could have nothing at all in his right hand. I was left in care of him. I put him at the back of the booth, and there was a carpet nailed at the back of that. Mr. Kendrick was on one side of him, and I on the other ; the ladies were lolling over

over the adjoining booth on the side I was, which was about three foot and a half or four foot high; I saw the watch drop between Mr. Barrington and the carpet, it apparently fell on the left side of him behind him, I saw it as it jingled down before it reached the ground. I did not notice any motion that the prisoner made at the time, but his arms hung down on each side of him, I did not particularly see his hands. Mr. Kendrick picked up the watch; I know it to be my master's, I fetched it from London a few days before; I do not know who Mr. Kendrick gave it to.

Mr. Garrow. Upon your oath did not you say before the magistrate when the watch was shewn you, that you could neither tell whether it was your master's watch or the watch that was taken off the ground?

A. I am positive I did not.

Q. If Mr. Barrington had put his hands in his pocket you would have prevented him?

A. I do not know, I was so curious as that.

Q. Upon your oath did he put his hand in either pocket or attempt any such thing?

A. Not to my knowledge.

Q. Do not you know he did not?

A. No, I do not.

Thomas Kempton sworn.

On Wednesday the first of September, on Enfield race ground I met Mr. Townsend, I asked him whether he had not lost his watch? he said yes. I told him Barrington was on the course; he asked me where, I said at the distance post. I went down there, and Mr. Townsend had got hold of Barrington; then I went to see the decision of the plate.

When

When I returned I saw the watch in Mr. Kendrick's hand.

Mr. Blades, sworn.

On the first of September I was at Enfield races close to the stand, I then saw the prisoner, Mr. Barrington as I thought, and I told a friend of mine it was Mr. Barrington to my best opinion. No, says he, it cannot be Barrington to be along with Mr. Townsend, for he was as close to Mr. Townsend as he possibly could be. I am well convinced that man was Barrington, I then went to Mr. Townsend to be perfectly satisfied, and asked him if he recollected a tall thin gentleman in light cloaths? he said I do remember seeing such a person, but he was no acquaintance of mine. Mr. Townsend then asked me why I asked that question? Why says I, I have an opinion it was Barrington; he immediately felt in his pocket; says he, I have lost my watch, and he begged me to walk up and down the course to shew him the person, and in 20 minutes time I saw the prisoner; says I, I see the person now; says Mr. Townsend that is him, is it not? Yes, says I, Sir, it is; he went and took hold of him and says, "Sir, your name is Barrington?—n me, Sir, says he, you have robbed me of my watch," and I assisted him and took fast hold of him. Going along, he did not try to get away himself, other people seemed to be trying.

Court. He could not help what other people did?

Mr. Blades. I saw him in the booth, I did not see the watch:

Mr. Garrow. Did not the prisoner say, "You are right, Sir, as to my name, but I have not your watch?"

A. I heard him say nothing about his name.

George

George Law the constable produced the watch which he received of Mr. Townsend, which was deposed to by Mr. Townsend to be his watch which he lost on the course that day, which was sent by Lady Lake's servant to the Angel at Edmonton; it was also deposed to by the coachman, as the watch that was picked up by the booth.

Law. Here is another watch, a purse, and a pair of spurs.

N.B. The purse had 20 guineas in it, which was demanded by the prisoner on Wednesday before he pleaded, and ordered to be delivered to him by the Court.

Mary Dandy sworn:

I was in the next booth to that in which the prisoner was brought in, I was but a very little way off him, there was nobody between him and me, nothing but the partition, I was next the partition, the prisoner was sideways to me when he dropped the watch on his side, he dropped the watch from his hand; I told him of it at the time; I cannot recollect which hand, his hand was by the side of him at the time I saw it drop from him, and I mentioned it to him at the time.

Mr. Garrow, Q. Was it the side nearest to you or farthest from you?

A. Nearest to me.

Q. There were many persons in the same Booth with you?

A. Yes.

Q. You paid for your admission?

A. Yes.

Q. Did you go before the magistrate?

A. No.

Q. So

Q. So this is the first time you was examined on the subject.

A. Yes.

Q. How was you found out?

A. I do not know, a gentleman that went with me to the races told Mr. Townsend.

Q. Pray where do you live?

A. At Ponders End.

Q. A married or single lady?

A. Single.

Q. Do you know where the prisoner got the watch from?

A. I cannot say.

Q. You did see him take it from under his hat?

A. No.

Q. If it had dropped behind, and he had attempted to kick it, you must have seen that?

A. I did not pay any attention to that.

Q. If he had got before and attempted to have kicked with his heel backward, you could have seen him?

A. I looked in his face, and I was pulled away, somebody else crowded to the partition.

Q. Did this gentleman live in London that was with you?

A. I do not know where he lives, you do not mean in the carriage.

Q. Yes, I do?

A. Oh I forget his name, Mr. Townsend I believe knows him, he was not in the Booth with me.

Q. Are you an acquaintance of Mr. Townsends?

A. No.

Q. Where did you find that gentleman?

A. He is an acquaintance of my father's.

Q. Who was entrusted by your father to carry his daughter

daughter to the races in a one horse chaise ?

A. Yes.

Q. How long has he been acquainted with your father ?

A. I do not know, he is my step father, does any body here know his name ?

Q. Do not ask any body else.

A. I never was in his company but that one time.

Q. Did he come from London ?

A. I do not know where he comes from, I believe he comes out of the country, he called at my father's, and as he was going down, my father asked him to carry me to the races.

Q. Did he bring you back again ?

A. No, I came home in another gentleman's chaise cart.

Q. What was that gentleman's name ?

A. I do not know him.

Q. What part of Ponders End do you live in ?

A. I live just by the Two Brewers.

Q. Do you usually take these excursions.

A. I was with more company, and it rained very hard.

Q. What company was you in ?

A. I was with my sisters.

Q. Try and recollect the name of one of those Gentlemen ?

A. I do not know either of their names ; I never saw the Gentleman that called in the morning before or since.

Q. Then he did not come to you with a message from Mr. Townsend ?

A. No, sir, Mr. Townsend came to me himself.

Q. Is this a young gentleman ?

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A. No

A. No, he is an elderly gentleman ; he is a farmer in the country.

Q. Should you know his name, if you was to hear it ?

A. I do not know.

Q. Was it Stonester ?

A. I do not think it was, I do not know.

Q. Was it Bishop ?

A. I cannot swear to his name.

Mr. Townsend. I think the young woman's character is in some measure at stake ; therefore I wish to clear up this matter : that young woman's father-in-law is a farmer, who has lived long time in the neighbourhood I live, and has for a long time been respected ; that gentleman to whose care she was intrusted, is an elderly man, whose name was Mr. Chase ; he was going to the races in his one horse chaise ; he told me of this circumstance ; and my coachman said that when Barrington said, " did any body see me drop the watch ? " a young woman in the next booth said, Yes, I did ! " I related this to Mr. Smith, the attorney to the India Company, and he said this was a very material witness.

Mr. Garrow: I submit Mr. Townsend cannot tell the conversations.

Court. It does not go further than restoring the credit of the witness ; therefore it is fit that all manner of circumstances that do seem to bear against the credit of a witness should be related.

Mr. Townsend. Mr. Smith said, That will be a very material witness ; I never could learn any thing about her, till on Saturday last I went by accident to Mr. Chase, who had been a long time a servant to my father, and owed a small rent of 5 guineas or 5l. he asked me about losing my watch, and he said,

" A young

" A young woman I carried to the races in my chaise saw him drop the watch."

Court. The circumstances were certainly such as made it the duty of the council to go into the examination ; but it was also equally fit to hear every thing that could be said to establish the credit of the witness, who certainly appeared to have gone to the races in a way that did not appear proper ; there is no way of finding out the truth but by examining into all the circumstances.

Court to Prisoner. Prisoner, you have heard the whole of the evidence that is against you ; you are to state the matter of fact to the jury yourself, with the observations on the evidence on the part of the prosecution ; and by way of introduction to your own evidence, if you have any yourself ; your counsel are only permitted to cross examine the witnesses on the part of the prosecution : this is the time for you to make your defence.

Prisoner's Defence.

May it please your Lordship, and you Gentlemen of the Jury, to favour me with your attention for a little time. The situation of every person who has the misfortune to stand here is extremely distressing and awkward ; mine is so in a peculiar degree : if I am totally silent, it may be considered perhaps as a proof of guilt, and if I presume to offer those arguments which present themselves to my mind, in my defence, they may not perhaps be favoured with that attention which they might deserve ; yet I by no means distrust the candour and benevolence of the Jury, and therefore I will beg leave to proceed to state the circumstances of the case as they occur

to

to me, not doubting but they will meet with some degree of credit, notwithstanding the unhappy situation I am in. Gentlemen, I was on the Race ground at Enfield, observing the race on the day that the Indictment mentions, where I found myself surrounded by Mr. Townsend and numbers of others; Mr. Townsend said, "Your name is Barrington, and you have taken my watch!" I told him he was right as to my name, but he accused me unjustly: however I would go any where with him; I was removed from thence to a stand, from whence the races were viewed; it consisted of two Booths, and they were separate from each other with only a railing elbow high; and it is a great misfortune to me, gentlemen of the Jury, that you were not able to observe the situation of those Booths; for if you had, you would have found it nearly impossible that some circumstances which have come from the witnesses could be true; I was close to the railing that separated the two Booths, and some person said, "Here is a watch!" This watch Mr. Townsend claimed, and said it was his. I was removed from thence to the Angel at Edmonton, where the examination took place, and I am very sorry to be under the necessity of observing, that a very material difference has taken place in the depositions delivered that day before the magistrate in various respects. A witness, the coachman, positively declared that he did not see this watch in my hand, that he did not see me take it from my pocket, that he did not see it drop from the person, but that he saw it on the ground, and he might have gone so far as to say he saw it fall; I took the liberty of asking him one question, Whether he had seen this watch in my hand, whether he had seen it fall from me? He declared he did not. I then asked him, whether he

he could take upon himself to swear, from the situation he stood in at the adjoining booth, that this watch might not have dropped from some other person, he declared he could not observe any such thing. Gentlemen, with respect to the evidence of Kendrick, he made the same declaration then. Mr. Townsend has brought me here, under the charge of having committed felony ; he has told you, Gentlemen of the Jury, that he lost a watch out of his pocket, and that pocket is a waistcoat pocket ; that he was in a very extraordinary situation ; that he was on the Race Ground, where certainly the greatest decorum is not always observed ; and he was also in a situation which exposed him more to the pressure he complained of, than any other person ; for, instead of his horse being in the possession of his jockey or groom, he attended it himself ; and I must beg leave to observe, Gentlemen of the Jury, that it is a custom where people bet money at Races, to wish to see the horse immediately after the heat is over, so that the pressure which Mr. Townsend had, or what he thought he had from me, could not appear very extraordinary, and I am under the necessity of saying, his fancy has rather been improved on the occasion. With respect, Gentlemen, to the last witness that has appeared, I will not say any thing on the occasion ; that will rest entirely upon you. It was a circumstance, however, of a most extraordinary nature, that this person should never come forward till the present moment ; and whether the contradictions and strange accounts she has given of herself, are such as to entitle her to any credit, particularly in a situation where the life or liberty of another is at stake, is not for me to observe upon. Gentlemen of the Jury, it may perhaps be expected by many persons in this place, that I should say a great deal about prepossession and newspaper reports, and if I had the ability to do it, perhaps I should not be

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blamed ;

blamed ; for he who has been the unhappy object of much defamation, has surely a right to deprecate its baneful effects ; --- where much pains have been taken to defame, some pains may be surely allowed to abate that defamation. Gentlemen, that it has been the hard lot of some unhappy persons, to have been convicted of crimes they did really not commit, less through evidence than ill-natured report, is doubtless certain ; and doubtless there are many respectable persons now in Court, fully convinced of the truth of that observation. Such times, it is to be hoped, are past ; I dread not such a conviction in my own person ; I am well convinced of the noble nature of a British Court of Justice ; the dignified and benign principles of its Judges ; and, the liberal and candid spirit of its Jurors.

Gentlemen, life is the gift of God, and liberty its greatest blessing ; the power of disposing of both, or either, is the greatest man can enjoy. It is also adventitious that, great as that power is, it cannot be better placed, than in the hands of an English Jury ; for they will not exercise it like tyrants, who delight in blood, but like generous and brave men, who delight to spare rather than to destroy ; and who, not forgetting they are men themselves, lean, when they can, to the side of compassion. It may be thought, gentlemen of the Jury, that I am applying to your passions, and if I had the power to do it, I would not fail to employ it ; the passions animate the heart, and to the passions we are indebted for the noblest actions ; and to the passions we owe our dearest and finest feelings ; and when it is considered, the mighty power you now possess, whatever leads to a cautious and tender discharge of it, must be thought of great consequence ; as long as the passions conduct us on the side of benevolence, they are our best, our safest, and our most friendly guides. Gentlemen of the Jury, Mr.
Townsend

Townsend has deposed that he lost his watch, but how, I trust is by no means clear; I trust, gentlemen, you will consider the great, the almost impossibility, that having had the watch in my possession for so long a time, time sufficient to have concealed it in a variety of places, to have conveyed it to town, it should still be in my possession. You have heard from Mr. Townsend, that there was an interval of at least half an hour between the time of losing the watch and my being taken into custody: there is something, gentlemen, impossible in the circumstance; and, on the other hand, it has sometimes happened, that remorse, a generous remorse, has stuck the minds of persons in such a manner, as to have induced them to surrender themselves into the hands of Justice, rather than an innocent person should suffer. It is not therefore, I suppose, improbable, that if Mr. Townsend lost his watch by an act of felony, the person who had the watch in his possession, feeling for the situation of an unhappy man, might be induced to place that watch on the ground. But it is by no means certain how Mr. Townsend lost his watch, whether by an act of felony or whether by accident, it might have fallen into the hands of some other person, and that person feeling for my unhappy situation, might have been induced to restore it. I humbly hope that the circumstances of the case, are such as may induce a scrupulous Jury to make a favourable decision; and I am very well convinced that you will not be led by any other circumstances than those of the present case; either from reports of former misfortunes, or by the fear of my falling into similar ones. I am now just thirty-two years of age, (shall be so next month); it is nearly half the life of man, it is not worth while being impatient to provide for the other half, so far as to do any thing unworthy. Gentlemen, in the course of my life I have suffered much distress, I have felt something of the

vicissitudes of fortune, and now from observation I am convinced, upon the whole, there is no joy but what arises from the practice of virtue, and consists in the felicity of a tranquil mind and a benevolent heart; sources of consolation which the most prosperous circumstances do not always furnish, and which may be felt under the most indigent. It will be my study, gentlemen, to possess them; nor will the heaviest affliction of poverty, pain, or disgrace, cause me to part with resolutions founded on the deepest reflection, and which will end but with life: I will perish on the pavement before I will deviate from them. For my own part, whatever your verdict may be, I trust I shall be enabled to meet it with a firmness of mind; he, indeed, has little to fear from death, whose fame is tarnished, and who has endured the ceaseless abuse of unfeeling minds; when Heaven accepts contrition, it receives into favour when it pardons; but man, more cruel than his Maker, pursues his offending brother with unrelenting severity, and marks a deviation from rectitude with a never dying infamy, and with unceasing suspicion and reproach, which seem to exclude him from the pale of virtue. Gentlemen of the Jury, the thought, though death may appal the rich and prosperous, but on the other hand the unfortunate cannot have much to fear from it; yet the tenderness of nature cannot be quite subdued by the utmost degree of human resolution, and I cannot be insensible to the woes which must be felt by an affectionate companion, and an infant offspring; and there is, besides, a principle in human nature, stronger even than the fear of death, and which can hardly fail to operate some time or other in life; I mean the desire of good fame, under that laudable influence. Gentlemen, if I am acquitted, I will quickly retire to some distant land, where my name and misfortunes will be alike unknown; where harmless manners shall shield me from

from the imputation of guilt; and where prejudice will not be liable to misrepresentation; and I do now assure you, Gentlemen of the Jury, that I feel a cheering hope, even at this awful moment, that the rest of my life will be so conducted, as to make me as much an object of esteem and applause, as I am now the unhappy object of censure and suspicion.

Mr. Townsend. My Lord, permit me to say a word.

Court. By no means in the world, not a word.

Court to prisoner. Have you any witnesses?

A. No, my Lord.

COURT. Gentlemen of the Jury, this Prisoner, George Barrington, stands indicted for stealing a gold watch, a gold chain, three cornelian seals, set in gold, and a metal key, the property of Henry Hare Townsend, Esquire, and this being the whole of the indictment, I need not state to you, that it is not a capital offence, but it is a charge of single felony. Mr. Townsend tells you---(Here the learned Judge summed up the evidence, and then added:)

This is the whole of the evidence; you see what is the result of it. The result is, that Mr. Townsend having somehow or other lost his watch, he not able of his own knowledge to describe the circumstances of having lost it, concludes that his pocket was picked of it somewhere, not that he dropped it: then the circumstances that go to fix the guilt on the prisoners, are these. That he was seen close to Mr. Townsend, in a way that alarmed Mr. Townsend, and he expressed surprise that he should be pushed upon in the way he was, and in a situation that might afford an opportunity to a man who was disposed to make use of it, to have taken his watch: that foundation being laid, they go further, and they endeavour to satisfy you that this watch was in fact in the prisoner's custody, for all the circumstances relative to the dropping of the watch, go to that, and that he endeavoured to get it out of his

his custody for fear the possession of it should (as it certainly would) be a very evident proof of his having taken it : to be sure, if a gentle man loses his watch on the Race Ground, and it is found afterwards on a man who does not give a good account of it, and on whom any suspicion can fasten, it calls upon him to answer for such possession ; but it certainly is liable undoubtedly to all kind of explanations, because if a watch was found on a man of such character as Mr. Townsend, who could convince all the world that he would not commit such a thing, and he was to say he found it, it would be extremely different : But they do not prove simply that the watch was found there, but that it was seen in the act of falling, and that would have left it open to the possibility of its being thrown down, or falling from some other person : But if it be true that it was in his possession, then it is necessary for him to give you a satisfactory account, how he came by it. He has addressed himself to you, by way of defence, and he has added every thing that could interest you in his favour ; in the general item of his address to you he has also made all the observations that I think could be made, on his part in his favour, and you have heard them with attention, and you will do him the justice to give them all the weight they deserve, but you will give them no more weight than they deserve, and you will therefore judge, now whether to you it appears with sufficient certainty, that that watch fell from the prisoner, when he was in the booth, and if it did, whether that, together with the other circumstances, of his being seen by Mr. Townsend in the way he describes, do not convince you that he must have been either the person that took this watch, or connected with those that did. In either case you will find him Guilty : on the other hand, if you on the observation he has made to you, or on others that occur to yourselves, see any reason to believe, that the charge does
not

not conclude against him, with sufficient certainty, that he was the man, then you will acquit him.

The Jury instantly found him **GUILTY**.

After the verdict was pronounced, the Lord Chief Baron thus addressed the Prisoner :

Mr. Barrington, Hitherto I have conducted myself towards you on this trial, as if I had never seen you before ; but now, when nothing which I can say, can prejudice the Jury, I must say that you have been treated with much more favour than you deserve. This ought to have been a capital indictment, and it ought to have reached your life ; and public justice very much calls for such a sacrifice : for if ever there was a man in the world that abused and prostituted great talents to the most unworthy and shameful purposes, you are that man ; and you have done it against all warning, against the example of your own case, and of a thousand other cases that have occurred ; and I am afraid, that now, as the punishment does not reach your life, I cannot entertain the least hope that you will in any manner reform ; but that the end of it will be, that you must be a shameful spectacle at your latter end.

Mr. Barrington bowed and retired.

F I N I S.

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